

RESOLUTION NO. **R-90-** 1432

RESOLUTION APPROVING ZONING PETITION NO. **80-173(B)**
MODIFICATION OF COMMISSION REQUIREMENTS
PETITION OF WAL-MART STORES, INC.
BY ROBERT **E.** BASEHART, AGENT

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter **163** and Chapter **125**, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter **402.5** of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. **80-173(B)** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April **30**, **1990**; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to Zoning Code Section **402.9** (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, **402.5** of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. **80-173(B)**, the petition of WAL-MART STORES, INC., BY ROBERT **E.** BASEHART, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying in the Southwest **1/4** of Section **1**, Township **45** South, Range **42** East; commencing at the South **1/4** of said Section **1**; Thence North **00** degrees **11'39"** West along the East line of said Southwest **1/4** of Section **1**, a distance of **357.81** feet; Thence South **89** degrees **48'21"** West, a distance of **80.71** feet to the POINT OF BEGINNING of the parcel to be herein described; Thence South **89** degrees **48'21"** West, a distance of **300.29** feet; Thence North **00** degrees **11'39"** West, a distance of **453.79** feet; Thence South **89** degrees **48'21"** West, a distance of **74.67** feet; Thence North **00** degrees **11'39"** West, a distance **159.00** feet; Thence South **89** degrees **48'21"** West, a distance of **208.00** feet; Thence North **00** degrees **13'47"** West, a distance of **411.72** feet; Thence South **89** degrees **28'27"** East, a distance of **583.97** feet; Thence South **00** degrees **11'39"** East, a distance of **890.12** feet; to the Point of Curvature of a curve concave to the West; Thence Southerly along the arc of said curve having a

central angle of 00 degrees 38'23" and a radius of 11,379.09 feet, a distance of 127.05 feet to the POINT OF BEGINNING and being located on the northwest corner of the intersection of Hypoluxo Road and Military Trail, in a CG-General Commercial Zoning District, was approved on April 30, 1990, as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition No. 8 of Zoning Petition 80-173(A), (Resolution No. R-89-1038), which states:

"8. No stock loading or dumpster pick-up will be permitted between the hours of 8:00 p.m. and 8:00 a.m."

Is hereby modified to state:

"No stock loading or dumpster pick-up will be permitted between the hours of 8:00 p.m. and 8:00 a.m. in the rear of the local stores located along the west property line."

3. Condition No. 9 of Zoning Petition 80-173(A), (Resolution No. R-89-1038), which states:

"9. No storage or placement of any stock materials, refuse equipment or accumulated debris shall be permitted in the rear of the shopping center."

Is hereby modified to state:

"No storage or placement of any stock materials, refuse equipment or accumulated debris shall be permitted in the rear of the local stores located along the west property line. Temporary storage of stock materials within the loading area for the WAL-MART Store shall be permitted in trailers only. Temporary storage of baled wood pallets and baled card board products shall be permitted only within the loading area for the WAL-MART Store. The outdoor storage area shall be completely screened from view from the rear and side yards by a six (6) foot tall masonry wall. A revised site plan shall be submitted which identifies the storage area. In no case shall this area exceed 1,000 square feet."

4. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Howard and, upon being put to a vote, the vote was as follows:


Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 1990.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

